

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Martha Jane Toy, individually, and as Executrix and Personal
Representative of the Estate of Russell B. Toy, deceased,

Plaintiffs,

v.

Plumbers & Pipefitters Local Union No. 74 Pension Plan,
Trustees of Plumbers & Pipefitters Local Union No. 74
Pension Plan, Health and Welfare Plan, Local 74, Welfare
Benefit Plan, Life Insurance Plan, Local 74, Welfare Benefit
Plan, Life Insurance Plan, Local 74, Insurance Plan,
Administrators of Pension and Welfare Plans, Trustees of
Plumbers & Pipefitters Local Union No. 74 Welfare Plan, Plan
Administrator of Pension & Welfare Plans, Insurance Plans,
and Health and Welfare Benefit Plan,

Defendants.

C.A. No. 05-00760 (JJF)

ORDER

IT IS HEREBY ORDERED this ____ day of _____, 2006, that the
Defendants' Motion is GRANTED.

IT IS FURTHER ORDERED that summary judgment in favor of the Defendants is
entered on Counts I, II and III of the Complaint since such claims are barred by the statute of
limitations.

IT IS FURTHER ORDERED that all named "Plan Defendants" except the Plumbers and
Pipefitters Local No. 74 Welfare Plan and the Plumbers and Pipefitters Local No.74 Pension
Plan are dismissed as such purported plans do not exist.

IT IS FURTHER ORDERED that Count IV of the Complaint is dismissed for failure to
state a claim upon which relief may be granted.

Joseph J. Farnan, Jr., U.S.D.C.J.